

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

CASE NO. 46443-8-11

ORIGINAL

FILED  
COURT OF APPEALS  
DIVISION II  
2015 SEP 28 PM 2:02  
STATE OF WASHINGTON  
BY CA DEPUTY

DEBBIE D DANLEY  
Appellant

Vs

CLINTON R CALDWELL  
Respondent

ON APPEAL FROM THE SUPERIOR COURT  
OF THE STATE OF WASHINGTON  
FOR CLALLAM COUNTY

CASE NO. 13-2-00348-4

RESPONDENT (CALDWELL) RESPONSE BRIEF  
TO THE APPELLANT'S OPENING BRIEF

CLINTON CALDWELL  
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BRIEF OF RESPONDENT CALDWELL

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P/m 9/25/15-

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### CASE LAW

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14 Wn. App. 299 (Wash. App. Div. 3 2002) 7 57 P.3d 300 (STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, RESPONDENT v DONALY AVERY AND DOUGLAS AVERY, APPELLANTS. No. 20619-0-III. COURT OF APPEALS OF WASHINGTON, DIVISION 3, PANEL NINE ( November 7, 2002 )

**RESPONSE TO DANLEY'S ASSIGNMENT OF ERROR  
DANLEY'S BRIEF PAGES ( 1 ) PARAGRAPH ( 1 & 2 )**

**ASSIGNMENT OF ERROR**

Danley claims Judge Rohrer erred by stating Danley's filings in Small Claims Court is the same action she later filed in Superior Court. Judge Rohrer did not error. Pursuant to RCW 12.40.010 Danley filed a Small Claims action against Caldwell for the jurisdictional amount of \$5,000.00. If Danley valued her personal property at a higher amount she should have and would have, filed her case in upper District Court or Superior Court. By Danley filing her case in Small Claims Court, it is clear evidence she believed her personal property was less than or equal to, \$5,000.00.

Danley states Judge Rohrer erred, when he claimed Danley was seeking the same thing in Superior Court as she was in Small Claims Court, with the acceptance of adding another \$95,000.00 of value to her personal property. In reading ( CP-1 ) Danley's Amended Complaint, Danley filed Plaintiff's Amended Claim in Superior Court. This claim was the same claim she had filed in Small Claims Court with the acceptance she amended the value of her claim to 20 times higher the amount she valued her personal property at in her small claims case.

Judge Rohrer did no error. According to RCW 12.40.027, Danley was under the jurisdiction of the Small Claims Court, even if the case was heard in Superior Court. Danley did not have the authority to move her Small Claims Case to Superior Court. The only authority was the Small Claims Court of which needed to give proper notice and hearing. Small Claims did not transfer Danley's case to Superior Court nor did it transfer any of the District Court Files to the Superior Court, nor did Superior Court request any files from Small Claims Court. Small Claims could have transferred Danley's case, under the above statute by notice and hearing, but chose to dismiss Danley's case instead.

( CP-1 ) Danley's Complaint filed in Superior Court PLAINTIFF' AMENDED COMPLAINT. This Complaint clearly identifies itself as an AMENDED COMPLAINT, not a new complaint. That means, Danley amended her small claims complaint to increase the values of her personal property only. She had previously declared her personal property was valued at \$5000.00. She did not have the authority to simply amend her complaint and move it to Superior Court. Further more, Caldwell should have been the Plaintiff in Superior Court and Danley would have been the Defendant. Danley was barred by statute to raise the value of her property.

## **RESPONSE TO DANLEY'S ISSUES PERTAINING TO ASSIGNMENTS OF ERROR**

**DANLEY BRIEF PAGES ( 1 ) PARAGRAPH ( 1 ) & PAGE  
( 2 ) PARAGRAPH ( 2 )**

**I. ISSUES PERTAINING TO ASSIGNMENT OF ERROR**

Danley claims she filed a new complaint with the trial court, Superior Court, on August 8, 2013. Danley asks if there was a difference between her small claims case and the superior court complaint. First off, looking at ( CP-1 ) It is clear Danley did not in fact file a new complaint as she just stated, she filed an amended complaint. Secondly, yes Danley changed her small claims complaint in only one manner, she increased the value of her personal property to over \$95,000.00. Danley's amended complaint is in violation of RCW 12.40.027. She was barred from raising the value of her claim once she filed her case with the Small Claims Court. In this case, Judge Rohrer did not error.

Danley goes on to say she planned to sue Caldwell twenty separate times, the jurisdictional amount of \$5,000.00 in Small Claims Court. This statement is ludicrous, and it is ludicrous for Danley to believe that anyone would believe she truly believed she could sue some one twenty sometimes, over the same complaint rather than just suing for a higher amount in the first place. Again, Danley had the option to file her case in a higher court, that allowed her more recovery than \$5,000.00 for her personal property. She chose not to do that. Danley goes on to ask if she is entitled to the full value of her

personal property because her case was transferred to Superior Court. First off, her case was not transferred to Superior Court. District Court did not give notice and hearing per RCW 12.40.027 to transfer Danley's case to Superior Court and Small Claims Court did not transfer the case files to Superior Court. Danley, on her own, went to Superior Court and filed an amendment to her small claims Complaint. She did not file a new complaint. Judge Rohrer did not error.

## **II. STATEMENT OF THE CASE**

Danley's Statement of the case has no bearing on what she has asked for in the Appellate Court. Danley is seeking to undo a decision in the trial court and grant her more money. Danley's appeal does not ask for clarification of things that are not in dispute. However, Caldwell highly objects to all evidence offered at trial by Danley and highly objects to the manner Judge Rohrer runs his courtroom. Justice was not served in this case. Rohrer was not the intended judge in this case and Caldwell had previously reclused him as a judge. Caldwell was denied the right to jury trial.

## **III. ARGUMENT**

Danley again claims Superior Court erred by saying small claims was the same as the action in Superior Court. Caldwell already addressed this allegation above.

Danley further claims RCW 4.14.010 gives her the right to move her case from Small Claims to Superior Court. RCW 4.14.010 clearly states this statute does NOT APPLY TO SMALL CLAIMS CASES originally filed in District Court. This law further states it pertains to a third party action, of which there was none. In furtherance this statute claims if Danley filed her case in upper District Court and at a later time she could move her case to Superior Court, if so inclined. This is not the case however, she is barred by statute from moving her case from Small Claims to Superior Court. In essence, Danley improperly filed her amended complaint in Superior Court and Superior Court improperly heard her case. The trial court did not error as Danley wrongly filed her claim in Superior Court. By Danley amending her small claims case in Superior Court, she essentially moved her small claims case to Superior Court and tried to exceed the monetary jurisdiction of \$5,000.00 in small claims, which is a violation of small claims court.

Again Danley claims the trial court erred by stating Danley was seeking the same thing in Small Claims and that her property can not be worth more in Superior Court. Danley continues to try and hammer in that she believed she could sue Caldwell 20 times in Small Claims to get what she felt her personal property was worth. Whether she believes that or not, makes no difference. You can not try the same civil case, obtaining a ruling or order the first time, 20 times anywhere in this country. Danley's pretend ignorance is no exception

to the law. She is barred by statute raising the value of her personal property. Danley goes on to say that Caldwell filed his counterclaim in Superior Court because he was suing for a hire amount than what Small Claims allowed. Well, that is exactly how it is suppose to be done. Danley could have done that as well, but since she filed her case in Small Claims, she was barred from statue, her case had to be heard in Small Claims. Danley states since she amended her complaint in Superior Court, she had the right to increase the value of her personal property. The statutes Caldwell has cited in this and previous briefs, clearly state Danley did not have the authority to move her case from Small Claims Court, the only authority was the Small Claims Court and that Court chose not to move her case. Danley can not walk into another court, after her case was dismissed in another court, and join Caldwell's case with her amended small claims case. There were no jurisdiction instructions given to any of the courts for this to happen. Neither court seeked the records from the other court.

## **VI RESPONDENT'S ARGUMENT**

Per RCW 4.12.010 (2) Danley properly filed her small claims action against Caldwell in Clallam County, Washington State.

Per RCW 12.40.010 Danley properly filed her case in the right jurisdiction, Small Claims department of District Court as she

determined the value of her property to be equal to or less than \$5,000.00.

Per RCW 1240.027 Caldwell properly filed his Counterclaim in Superior Court, as a separate action to Danley's case, as it was in excess of the jurisdictional amount of Small Claims.

As required by the above statutes, Danley's case was to be heard in Small Claims District Court and Caldwell's case was to be heard in Superior Court.

When it came time of trial in Danley's case, in Small Claims, after Danley testified, the Court determined, **WRONGLY**, that small claims did not have jurisdiction over the case because Caldwell had filed his claim in Superior Court. The Small Claims Court dismissed Danley's case.

Danley then filed her dismissed Small Claims Case, as an Amended Small Claims Case, in Superior Court, ( CP -1 ) under the same case number as Caldwell.

When Danley's case was wrongly dismissed in Small Claims District Court she should have appealed that decision under RCW 12.36.010. Danley did not do this.

Instead of hearing Danley's case in Small Claims, as prescribed by law, the Small Claims District Court did have the option under RCW 12.40.027 to give notice and hearing to the parties and move

**Danley's case to Superior Court, including all files and records. Small Claims Court did not do this.**

**Danley wrongly filed her Amended Small Claims Case under Caldwell's case number in Superior Court. Danley's case was a separate case, She should have filed for a new case number and filed a new complaint in Superior Court since her case had been dismissed in Small Claims District Court.**

**Since Danley chose to only amend her Small Case Claim, by increasing the value of her personal property, she was still under jurisdictional amount she could claim in Small Claims Court, not to exceed \$5,000.00. Her Amended Complaint was improper.**

**( CP-2 ) MEMORANDUM OPINION AND ORDER. Page 4, lines 21 – 27. The court did not find that Danley met the burden of establishing the value of her property. Danley had not submitted any appraisal of her property by any licensed appraiser and she did not submit proof on ownership of any of the property she claimed. In other words, she merely sat down and manufactured a list of personal property, she claims she had, and presented it to the Court for payment. On page 5 lines 1 – 12, it is clear the Court did not believe Danley's claim she felt she could sue Caldwell 20 times in Small Claims to get the true value she claims for her personal property today. The Court could clearly see that Danley's claim in Superior Court was the same claim she filed in Small Claims Court. The Court further went on to say that the only reason Danley's case was now in**

Superior Court was due to Caldwell's having his Counterclaim filed there. The court rightfully agreed Danley's personal property can not be worth more in Superior Court than what she had claimed it was worth in Small Claims Court. Danley purposely left out of the record the finding of the Small Claims Court. This document clearly shows Danley's Small Claims Case number and Caldwell's Superior Court Case number on the front cover, proving Danley's case was still considered to be under the guidelines of the Small Claims Court even though her Case was being heard in Superior Court.

The respondent would like to cite 14 Wn. App. 299 (Wash. App. Div. 3 2002) 7 57 P.3d 300 (STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, RESPONDENT v DONALY AVERY AND DOUGLAS AVERY, APPELLANTS. No. 20619-0-III. COURT OF APPEALS OF WASHINGTON, DIVISION 3, PANEL NINE ( November 7, 2002 )

## VII

## CONCLUSION

The Respondent firmly believes that both Small Claims District Court wrongly dismissed Danley's case and Superior Court wrongly heard Danley's case as evidenced by the statutes.

The Respondent asks this Court to deny Danley's appeal and to remand the case back to Small Claims where it should have been heard in the first place.

*Clinton Ray Caldwell 2/25/2015*

BRIEF OF RESPONDENT CALDWELL

CLINTON CALDWELL 12  
31 BOGEY LANE  
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360-504-2609 FAX 360-504-2809  
OLYMPIC98382@YAHOO.COM

CERTIFICATE OF SERVICE

APPELLATE COURT 46443-8-11 SUPERIOR COURT 13 2 00348 4

I, Clinton Roy Caldwell, do hereby certify and further state under the penalty of perjury of the State of Washington, that a copy of the attached / above and foregoing document(s) was/were served by me on opposing party(s) and/or opposing party(s) counsel, by personal delivery and/or by depositing in the US MAIL by regular and/or by certified / registered mail, a copy thereof, postage prepaid, addressed as follows

RESPONDENT'S RESPONSE TO OPENING BRIEF

DEBBIE D DANLEY  
P.O. BOX 27232  
SEATTLE, WA. 98165

Dated this 25th day of September, 2015

  
Clinton Roy Caldwell (Pro Se)

Clinton Roy Caldwell  
31 Bogey Lane  
Sequim, WA. 98382  
360-504-2609  
360-504-2809 Fax



CP-1

FILED  
CLALLAM CO CLERK  
2010 AUG 12 A 10:57  
BARBARA CHRISTENSEN

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLALLAM

DEBBIE D DANLEY

Case No.13 2 00348 4

Plaintiff,

vs.

PLAINTIFF'S AMENDED

CLINTON ROY CALDWELL

COMPLAINT

Defendant

COMPLAINT

In April of 2010, the Plaintiff moved out of her house in North Bend, WA to live with the Defendant in Gig Harbor, WA. The Plaintiff and the Defendant moved all the Plaintiff's 35 years of property into the Defendant's plywood box trailers. They moved to Gig Harbor, WA where the Defendant stored his box trailers on the property he was renting with the Plaintiff's belongings in them at: 12606 Peacock Hill Ave. N.W. 98332.

The Plaintiff's and the Defendant's relationship

Record Certification: I Certify that the electronic copy is a correct copy of the original, on the date filed in this office, and was taken under the Clerk's direction and control.  
Clallam County Clerk, by KS Deputy #pages: 7



1  
2 lasted for two months, then they lived only as platonic  
3 roommates. In January, 2011 the Defendant got evicted from  
4 the property for not paying the rent. Then the Defendant  
5 moved the trailers with the Plaintiff's property in them  
6 without her permission to the Treemont Industrial Park in  
7 Port Orchard, WA.  
8

9 In February, 2011 the Defendant dropped the Plaintiff  
10 off at the Treemont Industrial Park in the middle of the  
11 night with no place to go. The Plaintiff noticed that the  
12 trailers were there.  
13

14 From Mid February, 2011 to the end of March, 2011 the  
15 Plaintiff made several attempts to contact the Defendant to  
16 retrieve her property out of the trailers. The Defendant  
17 would not cooperate.  
18

19 In April, 2011 the Plaintiff went to the Treemont  
20 Industrial Park to get some of her items out of the  
21 Defendant's trailers. The trailers were gone. At that time  
22 the Plaintiff called the Port Orchard Police Department in  
23 the hope of finding the trailers with the Plaintiff's  
24 property in them. The Plaintiff filed a police report.  
25  
26

1  
2 The Plaintiff strongly believes the Defendant still has  
3 her property she has accumulated for 35 years and / or the  
4 Defendant sold some of it or all of it.  
5

6 The Defendant has taunted the Plaintiff with e-mails  
7 rubbing it in about certain items he stole from the  
8 Plaintiff that are still in his possession.  
9

10  
11 The Plaintiff can prove to this court that her  
12 complaint is valid by submitting evidence in texts and  
13 emails from the Defendant admitting he has the Plaintiff's  
14 property and won't return it to her. The Plaintiff asks for  
15 her property back or the monetary value (\$106,463.00) of  
16 the stolen items.  
17

18 **STOLEN PROPERTY**

- 19 1. Light oak table and 6 leather seat chairs. **\$4,800.00**  
20 2. Light pine futon. **\$999.00**  
21 a. Memory foam Tempurpedic mattress. **\$1,400.00**  
22 b. Futon accessories and pillows. **\$600.00**  
23 3. Blankets, sheets, pillows from select comfort. **\$3,500.00**  
24 4. Kitchen toaster oven & bread maker combo. **\$275.00**  
25 5. Kitchen Aid mixer & accessories. **\$400.00**  
26 6. 4 white stackable cabinet cupboards full of  
27 cleaning supplies. **\$500.00**  
28

7. 6 to 8 bins full of dog shampoo, clippers, trimming scissors, brushes, coats and Frontline Flea products for dogs. **\$750.00**
8. Sewing machine & bins full of sewing items. **\$1,500.00**
9. Royal upright carpet cleaner & accessories. **\$599.00**
10. 4 white tall wood stands with plastic bin drawers from IKEA. **\$425.00**
11. Stainless rolling kitchen cart w/cutting board and storage shelves from Storables. **\$465.00**
12. 8 to 12 holiday bins w/Christmas décor, ornaments, stockings, gift bags, Christmas tree, family made ornaments, bought ornaments and fiber optic Christmas tree and snowman. **\$5,000.00**
13. Items saved for grandkids: Legos, book sets, Playmobile Darda race track, walker, stroller, baby table seat, kid Lego table & chairs & kids bedding. **\$2,550.00**
14. All hair salon items from my previous home business: brushes, combs, shampoo, conditioner, etc. standup dryers, hand held dryers, hair station, hair steamer, hair color, frosting caps, bleach, perms, all perm rods all hair rollers, end papers and perm supplies. Jowell hair cutting shears, retail products and storage containers for all. A 30 year accumulation. **\$20,000.00**

- 1  
2 15. All office furniture items: Desk, chair, four file  
3 cabinets, personal family health records, school  
4 records, certificates, diplomas, receipts and special  
5 items that were saved. Laminator with supplies, photo  
6 paper, printer paper, pens, pencils, sharpies, tape  
7 dispenser, staplers, staples, medical asst. study books  
8 and handmade flash cards for school. **\$7,500.00**  
9  
10 16. Tall white closet on wheels with built in shoe rack  
11 full of shoes and books, sweaters, vest and coats.  
12 **\$4,500.00**  
13 17. Two clothes racks full of medical scrubs for my  
14 profession and other day to day clothes. **\$7,000.00**  
15 18. Three kitchen juicers: 1 Omega, 1 Olmeca spin basket  
16 and 1 Braun. **\$1,200.00**  
17 19. 2 Oreck canister vacuums, 1 upright Oreck vacuum  
18 2 professional mop buckets, mops, Euro Pro Steamer.  
19 **\$1,800.00**  
20 20. 6 indoor garbage cans & 6 outdoor garbage cans. **\$600.00**  
21 21. 10 or so different food items in air tight containers.  
22 **\$450.00**  
23 22. 2 irons, one Rowenta and a steamer iron. **\$350.00**  
24 23. 6 short household lamps for tables and office, 2 iron  
25 horse lamps and 6 tall lamps for tables. **\$1,200.00**

- 1 24. My jewelery box full of inherited fine jewelery  
2 and my grandma's sterling silver set of cutlery that  
3 was given to me. **\$10,000.00**  
4  
5  
6 25. Kerosene heater purchased at Home Depot. **\$400.00**  
7  
8 26. 200 plastic storage bins with lids, \$15 each. **\$3,000**  
9  
10 27. Arts and crafts & household supplies. **\$1,500.00**  
11  
12 28. 1 Oreck iron and an ironing board. **\$300.00**  
13  
14 29. Bin of alarm clocks, batteries, expensive Makita &  
15  
16 Dewalt tools, surge protectors, PC parts &  
17  
18 adapters. **\$2,500.00**  
19  
20 30. Very large zipper bag of energy saving light bulbs of  
21  
22 all sizes, 1,000 of them. **\$3,000.00**  
23  
24  
25  
26

1  
2 31. My kitchen items of cutlery, utensils, silverware,  
3 glass silverware, glass baking dishes, measuring cups  
4 crockpots, pressure cooker, plates, cups, mugs,  
5 glasses, bowls and all Tupperware. **\$2,200.00**  
6

7  
8 32. Black & yellow cabinet on wheels full of Makita &  
9 Dewalt tools. **\$800.00**

10  
11 33. Black leather rocker recliner w/heat and massage.  
12 **\$1,150.00**

13  
14 34. Outside deck box full of tools and garden hoses.  
15 **\$700.00**

16  
17 35. 3 stackable bins storing gift bags, ribbons, bows,  
18 2 tall bins of wrapping paper an all occasion &  
19 Christmas wrap. A 30 yr. Collection. **\$500.00**

20  
21 36. 1 tall file cabinet with 4 large drawers and a lock  
22 on it. 2 short white file cabinets with black handles  
23 All drawers in cabinets were full of personal  
24 information. **\$1,100.00**  
25  
26

1 37. Crochet supplies in a bin. \$450.00

2  
3 38. Priceless family pictures, albums and wall pictures  
4 done through professional photography. \$2,500.00

5 39. 20 throw rugs from India. \$3,000.00

6  
7 40. Antique solid cedar chest that used to be my  
8 Great Grandmothers. \$5,000.00

9  
10  
11  
12  
13  
14 WHEREFORE: The Plaintiff prays for the following relief:

15  
16 1. \$106,463.00 for theft of property.

17  
18  
19  
20 Debbie Danley  
21 Debbie Danley

22  
23 Dated this 9<sup>th</sup> day of August, 2013

24 Debbie Danley  
25 PO Box 27232  
26 Seattle, WA 98165  
27 425-761-8474

CERTIFICATE OF SERVICE

I DEBBIE DANLEY, DO HEREBY CERTIFY AND FURTHER STATE UNDER THE PENALTY OF PERJURY OF THE STATE OF WASHINGTON, THAT A COPY OF THE ABOVE AND FOREGOING DOCUMENTS WAS SERVED BY ME ON OPPOSING PARTYS AND/OR OPPOSING PARTYS COUSEL, BY PERSONAL DELIVERY AND/OR BY DEPOSITING IN THE US MAIL, BY REGULAR AND/OR BY CEERTIFIED, A COPY THEREOF. POSTAGE PREPAID, ADDRESSED AS FOLLOWS;

CLINTON ROY CALDWELL  
31 BOGEY LANE  
SEQUIM, WA 98382  
360-504-2609

DATED ON THIS DAY OF  
AUGUST 6, 2013

*Debbie Danley*  
DEBBIE DANLEY

DEBBIE DANLEY  
P.O. BOX 27232  
SEATTLE WA 98165



1  
2  
3  
4  
5  
6  
7 SUPERIOR COURT OF WASHINGTON  
8 COUNTY OF CLALLAM

9 DEBBIE D. DANLEY,

10 Plaintiff,

11 vs.

12 CLINTON R. CALDWELL,

13 Defendant.  
14

No. 13-2-00348-4

MEMORANDUM OPINION  
AND ORDER

15 This matter came on for trial June 2, 2014. Both parties were self represented. Ms.  
16 Danley submitted exhibits under ER 904, but did not present any testimony. Mr. Caldwell  
17 submitted exhibits and presented testimony from two witnesses in addition to his own  
18 testimony.  
19

20 Ms. Danley alleges that Mr. Caldwell stole her property and refused to return it to  
21 her. They had resided together and were evicted from the premises. Ms. Danley did not  
22 have a place to store her belongings, so Mr. Caldwell placed them in storage. Ms. Danley  
23 claims Mr. Caldwell intentionally withheld her belongings—basically everything she  
24 owned—from her. Mr. Caldwell claims Ms. Danley had multiple opportunities to obtain her  
25 belongings, but failed to retrieve them and, as a result, essentially abandoned them.  
26  
27  
28

ERIK ROHRER  
JUDGE

Clallam County Superior Court  
223 East Fourth Street, Suite 8  
Port Angeles, WA 98362-3015

1 The matter was scheduled for a small claims proceeding in district court when Mr.  
2 Caldwell filed a counterclaim exceeding the jurisdictional limit of small claims court. Mr.  
3 Caldwell's central counterclaim is that Ms. Danley stole about \$32,000 of his "pet  
4 restraints" and also owes him over \$7,000 in back-rent and storage fees. The matter was  
5 transferred to superior court pursuant to RCW 4.14.010.  
6

7 At the conclusion of the superior court trial, the court dismissed Mr. Caldwell's  
8 counterclaim for failing to meet his burden of proof. The "proof" offered by Mr. Caldwell  
9 in support of his counterclaim was limited to Exhibit 8 (a Port Orchard Police report in  
10 which Ms. Danley admits she broke into one of Mr. Caldwell's trailers to retrieve some of  
11 her personal belongings) and Exhibit 14 (a receipt showing that Ms. Danley rented a storage  
12 unit large enough to store stolen pet restraints). While this evidence may create inferences,  
13 it does not, in and of itself, establish that Ms. Danley stole over \$30,000 in pet restraints  
14 from Mr. Caldwell. There was no evidence presented on the issue of whether Ms. Danley  
15 owes back-rent and storage fees.  
16

17 The remaining issue is whether Ms. Danley established her claim against Mr.  
18 Caldwell.  
19

20 Ms. Danley submitted a large number of emails from Mr. Caldwell in which he  
21 essentially admits that he has her property and refuses to return it to her unless she pays him  
22 money.  
23

24 For example, on April 28, 2011, Mr. Caldwell sent Ms. Danley an email saying, in  
25 part:  
26

27 The last time we saw each other you came over to give me money for storing your  
28 stuff.

1 Ms. Danley's reply, in part:

2 Where & when can I get what I own? You have no [right] to take what is mine!  
3 There was no verbal or written agreement of who pays. You left me stranded with  
4 no place to live! So when I found a place I had to pay rent. I have tried to make  
5 arrangements with you to get my stuff and you refuse to cooperate? You [continue]  
6 to make up lies & why?

7 Mr. Caldwell's response, in part:

8 I also want to be paid for what is rightfully owed to me. You make arrangements to  
9 do that and by all means you can have your stuff.

10 This, along with other similar email exchanges, leads the court to believe not only  
11 that Mr. Caldwell had possession of Ms. Danley's property, but that he was using his  
12 possession of her property as a lever to attempt to extract payment from her when there was  
13 no clear agreement that she owed him anything.

14 Further, Mr. Caldwell appears to have enjoyed taunting Ms. Danley by sending her  
15 photographs of and emails about her belongings being used by him and others.

16 For example, on December 22, 2011, Mr. Caldwell sent Ms. Danley an email with a  
17 photograph of a kitchen mixer:

18 Hi honey,

19 The lady that has your mixer sent me this pic. She is having fun making  
20 cookies for the Holidays. I told her not to thank me, but to thank you. I told her  
21 what a wonderful person you are. She was so thankful she got the mixer, she gave  
22 me another hot coffee blow job. I pray for you everyday honey, may God Bless you.  
23 :)

24 Similarly, on January 6, 2012, Mr. Caldwell sent this email to Ms. Danley:

25 Forgot to tell you, I will send more pics after the place is fixed up more.  
26 Some of the items I am furnishing with you may recognize, they go along with our  
27 other décor nicely, thank you.....)

1 Other emails from Mr. Caldwell to Ms. Danley, such as this one from January 6,  
2 2012, establish that he has her belongings and sees himself as a jilted lover who is now  
3 "playing games" with his ex-partner:

4  
5 Hi honey, I forgot to wish you a Merry Christmas and Happy New Year. You know,  
6 there are not many women that would be willing to give a guy everything they own  
7 in order to try and square a debt. Your giving me [your] belonging only tells me  
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21 Danley clearly did not exhibit any intent to abandon everything she owned. In fact, her  
22 repeated requests to obtain her property from Mr. Caldwell establish that she had no  
23 intention of abandoning her property.

24 The court is satisfied that Mr. Caldwell wrongfully exerted control over Ms.  
25 Danley's property and refused to return it to her. The court is not, however, satisfied that  
26 Ms. Danley has met her burden of establishing that the value of this property was over  
27 \$100,000.

28 The court notes that Ms. Danley's claim was originally filed in the small claims  
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7 was worth in district court.  
8

9 For the foregoing reasons. IT IS HEREBY ORDERED, ADJUDGED and  
10 DECREED that Ms. Danley shall have judgment against Mr. Caldwell in the amount of  
11 \$5,000 and, further, that Mr. Caldwell's counterclaim against Ms. Danley is dismissed.  
12

13 DATED this 3<sup>rd</sup> day of June, 2014.

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15 ERIK ROHRER  
16 JUDGE  
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
SUPERIOR COURT OF WASHINGTON COUNTY OF CLALLAM
DEBBIE D. DANLEY,  Plaintiff,  vs.  CLINTON R. CALDWELL,  Defendant.

No. 13-2-00348-4

**MEMORANDUM OPINION  
AND ORDER**

This matter came on for trial June 2, 2014. Both parties were self represented. Ms. Danley submitted exhibits under ER 904, but did not present any testimony. Mr. Caldwell submitted exhibits and presented testimony from two witnesses in addition to his own testimony.

Ms. Danley alleges that Mr. Caldwell stole her property and refused to return it to her. They had resided together and were evicted from the premises. Ms. Danley did not have a place to store her belongings, so Mr. Caldwell placed them in storage. Ms. Danley claims Mr. Caldwell intentionally withheld her belongings—basically everything she owned—from her. Mr. Caldwell claims Ms. Danley had multiple opportunities to obtain her belongings, but failed to retrieve them and, as a result, essentially abandoned them.

Record Certification: I Certify that the electronic copy is a correct copy of the original, on the date filed in this office, and was taken under the Clerk's direction and control.  
Clallam County Clerk, by  Deputy # pages: 1



**ERIK ROHRER**  
JUDGE  
Clallam County Superior Court  
223 East Fourth Street, Suite 8  
Port Angeles, WA 98342-2015

1 The matter was scheduled for a small claims proceeding in district court when Mr.  
2 Caldwell filed a counterclaim exceeding the jurisdictional limit of small claims court. Mr.  
3 Caldwell's central counterclaim is that Ms. Danley stole about \$32,000 of his "pet  
4 restraints" and also owes him over \$7,000 in back-rent and storage fees. The matter was  
5 transferred to superior court pursuant to RCW 4.14.010.  
6

7 At the conclusion of the superior court trial, the court dismissed Mr. Caldwell's  
8 counterclaim for failing to meet his burden of proof. The "proof" offered by Mr. Caldwell  
9 in support of his counterclaim was limited to Exhibit 8 (a Port Orchard Police report in  
10 which Ms. Danley admits she broke into one of Mr. Caldwell's trailers to retrieve some of  
11 her personal belongings) and Exhibit 14 (a receipt showing that Ms. Danley rented a storage  
12 unit large enough to store stolen pet restraints). While this evidence may create inferences,  
13 it does not, in and of itself, establish that Ms. Danley stole over \$30,000 in pet restraints  
14 from Mr. Caldwell. There was no evidence presented on the issue of whether Ms. Danley  
15 owes back-rent and storage fees.  
16

17 The remaining issue is whether Ms. Danley established her claim against Mr.  
18 Caldwell.  
19

20 Ms. Danley submitted a large number of emails from Mr. Caldwell in which he  
21 essentially admits that he has her property and refuses to return it to her unless she pays him  
22 money.  
23

24 For example, on April 28, 2011, Mr. Caldwell sent Ms. Danley an email saying, in  
25 part:  
26

27 The last time we saw each other you came over to give me money for storing your  
28 stuff.

1 Ms. Danley's reply, in part:

2 Where & when can I get what I own? You have no [right] to take what is mine!  
3 There was no verbal or written agreement of who pays. You left me stranded with  
4 no place to live! So when I found a place I had to pay rent. I have tried to make  
5 arrangements with you to get my stuff and you refuse to cooperate? You [continue]  
6 to make up lies & why?

7 Mr. Caldwell's response, in part:

8 I also want to be paid for what is rightfully owed to me. You make arrangements to  
9 do that and by all means you can have your stuff

10 This, along with other similar email exchanges, leads the court to believe not only  
11 that Mr. Caldwell had possession of Ms. Danley's property, but that he was using his  
12 possession of her property as a lever to attempt to extract payment from her when there was  
13 no clear agreement that she owed him anything.

14 Further, Mr. Caldwell appears to have enjoyed taunting Ms. Danley by sending her  
15 photographs of and emails about her belongings being used by him and others.

16 For example, on December 22, 2011, Mr. Caldwell sent Ms. Danley an email with a  
17 photograph of a kitchen mixer:

18 Hi honey,

19 The lady that has your mixer sent me this pic. She is having fun making  
20 cookies for the Holidays. I told her not to thank me, but to thank you. I told her  
21 what a wonderful person you are. She was so thankful she got the mixer, she gave  
22 me another hot coffee blow job. I pray for you everyday honey, may God Bless you.  
23 :)

24 Similarly, on January 6, 2012, Mr. Caldwell sent this email to Ms. Danley:

25 Forgot to tell you, I will send more pics after the place is fixed up more.  
26 Some of the items I am furnishing with you may recognize, they go along with our  
27 other décor nicely, thank you....:)

1 Other emails from Mr. Caldwell to Ms. Danley, such as this one from January 6,  
2 2012, establish that he has her belongings and sees himself as a jilted lover who is now  
3 "playing games" with his ex-partner:  
4

5 Hi honey, I forgot to wish you a Merry Christmas and Happy New Year. You know,  
6 there are not many women that would be willing to give a guy everything they own  
7 in order to try and square a debt. Your giving me [your] belonging only tells me  
8 what a wonderful person you are and what a big mistake I made by letting you go  
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